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Attorneys for Defendant Lions Gate Films, Inc.

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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ANTONNE M. JONES	:
	:
Plaintiff,	:
	:
-against	:
	:
ROC-A-FELLA FILMS, INC., LIONS GATE	:
FILMS, INC., and DAMON DASH	:
	:
	:
Defendants.	:
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**DECLARATION OF TOM J. FERBER IN SUPPORT OF DEFENDANT
LIONS GATE FILMS, INC.'S MOTION FOR SUMMARY JUDGMENT**

TOM J. FERBER declares as follows:

1. I am a member of Pryor Cashman LLP, attorneys for Defendants Lions Gate Films, Inc. ("Lions Gate" or "Defendant"). I submit this declaration pursuant to Fed. R. Civ. P. 56 in support of Lions Gate's motion for summary judgment dismissing the Complaint of Plaintiff Antonne M. Jones ("Plaintiff"), for the sole purpose of putting before the Court certain exhibits to which reference is made in the accompanying memorandum of law.
2. Annexed hereto as Exhibit A is a copy of Plaintiff's Complaint, which was filed on May 8, 2007.

3. Annexed hereto as Exhibit B is a copy of Lions Gate's Answer, which was filed on July 7, 2007.

4. Annexed hereto as Exhibit C are true and correct excerpts from the December 20, 2007 and March 10, 2008 depositions of Plaintiff Antonne M. Jones.

5. Annexed hereto as Exhibit D are true and correct excerpts from the March 11, 2008 deposition of Ernest "Tron" Anderson. Mr. Anderson is the author of the treatment *Junior Black Mob* and the screenplay *Get Down or Lay Down; Junior Black Mob*, both of which were the basis for the film *State Property*.

6. Annexed hereto as Exhibit E are true and correct excerpts from the February 21, 2008 deposition of Michael Paseornek. Michael Paseornek is the President of the Film Production Division at Lions Gate Films.

7. Annexed hereto as Exhibit F is a true and correct copy of Plaintiff's book, "The Family," which Defendant obtained from the United States Copyright Office.

8. Submitted herewith (under separate cover) as Exhibit G is a true and correct DVD of the film *State Property*.

9. Submitted herewith (under separate cover) as Exhibit H is a true and correct DVD copy of the film *State Property II*.

10. Annexed hereto as Exhibit I is a summary of "The Family" which we prepared for the Court's convenience.

11. Annexed hereto as Exhibit J is a summary of *State Property* which we prepared for the Court's convenience.

12. Annexed hereto as Exhibit K is a true and correct copy of Ernest "Tron" Anderson's treatment for a screenplay entitled *Junior Black Mob*.

13. Annexed hereto as Exhibit L is a true and correct copy of Ernest “Tron” Anderson’s screenplay entitled *Get Down or Lay Down; Junior Black Mob*.

14. Annexed hereto as Exhibit M is a copy of an August 25, 1989 article from the Philadelphia Daily News, “JBM Its Rise to Power; Brash Young Men Rule Over Drug Trade” by Kitty Caparella.

15. Annexed hereto as Exhibit N are true and correct copies of relevant pages from the 2005 nonfiction work “Black Brothers, Inc.: The Violent Rise and Fall of the Philadelphia Black Mafia” by Sean Patrick Griffin.

16. Annexed hereto as Exhibit O is a true and correct copy of the April 7, 1992 article from the Philadelphia Daily News, “Pair: We Bought Coke For JBM; They Testify About Almost Monthly Runs to Florida for Purchases” by Kitty Caparella.

17. Annexed collectively hereto as Exhibit P is a true and correct copy of Plaintiff’s Response to Defendant’s Second Set of Interrogatories, dated February 26, 2008.

18. Annexed hereto as Exhibit Q are excerpts from “Organized Crime: 25 Years After Valachi,” Hearings Before the Permanent Subcommittee on Investigations of the Committee on Governmental Affairs, United States Senate, 100th Congress, Second Session, US Government Printing Office, Washington: 1988.

19. Annexed hereto as Exhibit R is a true and correct copy of the June 17, 2006 New York Times article, “Godfather of Bling Denies He Aided Drug Ring,” by Lola Ogunnaike and Anemona Hartocollis.

20. Annexed hereto as Exhibit S is a true and correct copy of Psalm 128:2 from the New International Version of the Bible.

21. Annexed hereto as Exhibit T is a true and correct copy of the URL www.thelexstreetproject.com/newsInfo/19990121.htm as it appeared on September 10, 2007.

22. Submitted herewith (under separate cover) as Exhibit U is a DVD containing excerpts from widely disseminated motion pictures and documentary series to which reference is made in the accompanying memorandum of law.

23. For the Court's convenience, annexed hereto as Exhibit V is a brief summary of the portions of the films and documentaries included in Defendant's Exhibit U.

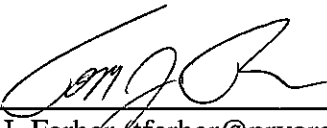
24. Submitted herewith (under separate cover) as Exhibit W is a true and correct DVD copy of the 1991 film *New Jack City*, which starred Wesley Snipes, to which reference is made in Exhibit T.

25. Submitted herewith is a true and correct copy of the March 8, 1988 article from the Philadelphia Inquirer, "Police investigating reports of a Junior Black Mafia" by George Anastasia.

I declare under the penalties of perjury that the foregoing is true and correct.

Dated: New York, New York
April 15, 2008

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